

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re)
)
CONTEMPORARY MEDIA, INC.) MM Docket No. 95-154
)
Station WBOW(AM), Terre Haute, IN)
Station WBFX(AM), Terre Haute, IN)
Station WZZQ(FM), Terre Haute, IN)
)
CONTEMPORARY BROADCASTING, INC.)
)
Station KFMZ(FM), Columbia, MO)
Station KAAM-FM, Huntsville, MO)
)
LAKE BROADCASTING, INC.)
)
Station KBMX(FM), Eldon, MO)
Station KFXE(FM), Cuba, MO)
(New) FM Station, Bourbon, MO) File No. BPH-921112MH

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To: Contemporary Media, Inc.
Contemporary Broadcasting, Inc.
Lake Broadcasting, Inc.

BILL OF PARTICULARS

1. The Chief, Mass Media Bureau, by his attorneys and pursuant to Order to Show Cause and Notice of Apparent Liability, FCC 95-410 (released October 10, 1995) ("HDO"), at ¶ 21, hereby directs this Bill of Particulars to the above-captioned licensees, permittees, and applicant.¹

¹ On October 25, 1995, the Bureau filed a Motion to Modify Caption and Correct Order to Show Cause in this proceeding. Because the Presiding Judge has not yet ruled on that motion, the instant Bill of Particulars bears the existing caption, as designated.

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2. Issue No. 1 of the HDO is based upon the following information:

(a) Michael Rice ("Rice") is, and at all relevant times has been, the President, Treasurer, Director, and 100% shareholder of Contemporary Media, Inc. ("CMI"), licensee of Stations WBOW(AM), WBFX(AM), and WZZQ(FM), Terre Haute, Indiana.

(b) Rice is, and at all relevant times has been, the President, Treasurer, and Director of Contemporary Broadcasting, Inc. (CBI"), licensee of Station KFMZ(FM), Columbia, Missouri; and permittee of unbuilt Station KAAM-FM, Huntsville, Missouri.

(c) CMI is the 100% shareholder of CBI.

(d) Rice is, and at all relevant times has been, the President, Treasurer, and 67.5% shareholder of Lake Broadcasting, Inc. ("LBI"), licensee of Station KBMX(FM), Eldon, Missouri; permittee of unbuilt Station KFXE(FM), Cuba, Missouri; and applicant for a new FM station on Channel 244A at Bourbon, Missouri.

(e) Rice was convicted on August 31, 1994, in the Circuit Court of St. Charles County, Missouri, of the following offenses: (i) four counts of sodomy, a Class B felony under the laws of Missouri (§ 566.060 RSMo.); (ii) six counts of deviate sexual assault in the first degree, a Class C felony (§ 566.070 RSMo.); and two counts of deviate sexual assault in the second degree, a Class D felony (§ 566.080 RSMo.). The offenses involved the sexual abuse of five children, aged 16 years and younger.

(f) The offenses referenced above occurred between 1985 and 1990.

(g) Rice was sentenced to eight years in prison for each of the four sodomy counts, seven years in prison for each of the six deviate sexual assault in the first degree counts, and five years in prison for each of the two deviate sexual assault in the second degree counts.

(h) All sentences referenced above are to run concurrently.

(i) Rice is presently incarcerated.

3. Issue No. 2 of the HDO is based upon the following information:

- (a) On December 20, 1994, CMI, CBI, and LBI (collectively, "Licensees"), jointly filed with the Commission a Brief in Opposition to Commencement of Revocation or Evidentiary Hearing ("Brief").
- (b) In their Brief, Licensees represented to the Commission, among other things, that they had taken "effective remedial action" by excluding Rice from customary managerial, policy, and day-to-day decisions since his arrest in 1990. Licensees further represented in their Brief that Rice would continue to be excluded from active involvement in the above-captioned stations "for the foreseeable future."
- (c) On June 14, June 21, and August 19, 1994, Licensees jointly filed with the Commission Statements Pursuant to Section 1.65 Statements of the Commission's Rules.
- (d) In each Statement referenced above, Licensees represented to the Commission, among other things, that since his hospitalization in April 1991, Rice has had no managerial, policy, or consultative role in the affairs of CMI, CBI, or LBI.
- (e) Licensees further represented in each Statement referenced above that pending resolution of the criminal charges against him, Rice was being completely insulated and excluded from any involvement in the managerial, policy, and day-to-day decisions involving the above-captioned stations and construction permits.
- (f) In a letter, dated April 29, 1993, Rice appears to memorialize a telephone conversation between himself and another broadcaster, Jerrell A. Shepherd. After discussing a possible "swap" of certain stations owned by each, Rice concludes in his letter, "[i]f you have any further thoughts or ideas, please let me know."
- (g) In another letter, also dated April 29, 1993, Rice appears to follow up on a telephone call between another broadcaster, Dale A. Palmer, and Licensees' Vice President, Janet Cox, regarding the possible sale of the KAAM-FM construction permit. Rice concludes the letter by suggesting that if the broadcaster has "any further thoughts or ideas, please let me or Janet know."
- (h) In a facsimile transmission, dated August 3, 1994, to another broadcaster, Jerrell A. Shepherd, Rice advises that he and others intend to construct Station KAAM-FM, Huntsville, Missouri, and that none of the captioned stations is for sale.
- (i) In a letter to Honorable Jack O. Edwards, Associate Circuit Judge, 25th Judicial Circuit, Vienna, Missouri, , dated August 8, 1994, Licensees' engineer J.

Eric Hoehn states that during the previous eight years, Rice and Hoehn engaged in extensive travel together to several of the above-captioned stations for the purpose of "supervising construction projects."

(j) In a letter to Honorable Jack O. Edwards, Associate Circuit Judge, 25th Judicial Circuit, Vienna, Missouri, dated August 12, 1994, Broadcast Consultant James F. Mitchell states that he worked with Rice on various technical matters since October 1991.

(k) In a letter to Honorable Jack O. Edwards, Associate Circuit Judge, 25th Judicial Circuit, Vienna, Missouri, dated August 1, 1994, LBI minority stockholder Kenneth W. Kuenzie states, among other things, that "all decisions and business dealings are done with all three stock holders considerations welcomed," including those of Rice, the company's majority shareholder.

4. Issue No. 3 of the HDO is based upon the following information:

(a) See ¶¶ 3(a) - (e), above.

Respectfully submitted,
Roy J. Stewart
Chief, Mass Media Bureau



Norman Goldstein
Chief, Complaints and Investigations Branch



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Federal Communications Commission
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October 30, 1995

CERTIFICATE OF SERVICE

I, Michelle C. Mebane, a secretary in the Complaints & Investigations Branch, Mass Media Bureau, certify that I have, on this 30th day of October 1995, sent by regular United States mail, copies of the foregoing, "Mass Media Bureau's Bill of Particulars" to:

Administrative Law Judge Arthur I. Steinberg
Federal Communications Commission
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Michelle C. Mebane